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PTO/SB/65 (10-05)  
Approved for use through 5/31/2006. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)  
140-032

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. RE38,861 Application Number 09/432,984

Issue Date 11/01/05 Filing Date 11/02/99

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

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OFFICE OF PETITIONS

Also complete the following information, if applicable

The above-identified patent:

☒ is a reissue of original Patent No. 5,696,375 original issue date 12/09/97 ;  
original application number 08/560,396 ,  
original filing date 11/17/95

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is  
(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR  
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

04/20/06

Date

Signature

David M. Hill

Typed or printed name of person signing Certificate

04/27/2006 SLUANG1 00000003 RE38861

01 FC:1599 3000.00 OP

04/27/2006 SLUANG1 00000002 RE38861

01 FC:1599 3000.00 OP

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

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The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input checked="" type="checkbox"/> \$ 2300	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2300

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3000☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 23-0420. A duplicate copy of this authorization is attached.

## 7. OVERPAYMENT

As to any overpayment made please

☒ Credit to Deposit Account No. 23-0420

OR


☐ Send refund check.**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

04/20/06

Date

David M. Hill

Typed or printed name(s)

46,170

Registration Number, if applicable

708 Third Avenue

Address

(212) 697-6262

Telephone Number

New York, New York 10017


Address

## ENCLOSURES:

- ☒ Maintenance Fee payment
- ☒ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☒ Other: Postcard

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

04/20/06

Date

David M. Hill

Typed or printed name

46,170

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See attached Declaration of David M. Hill, Esq. In Support of Petition to Accept Unavoidable  
Delayed Payment of Maintenance Fee in an Expired Patent

*(Please attach additional sheets if additional space is needed)*



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Melvin A. Park                      Group Art Unit:                      2881  
Serial No.:                      09/432,984                      Examiner:                      J. Berman  
Patent No.:                      RE38,861                      Issue Date:                      November 1, 2005  
Filed:                      November 2, 1999                      Atty. Doc. No.:                      140-032  
For:    MULTIDEFLECTOR

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**DECLARATION OF DAVID M. HILL, ESQ. IN SUPPORT OF  
PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT  
OF MAINTENANCE FEE IN AN EXPIRED PATENT**

I, David M. Hill, hereby declare as follows:

1.     I am an attorney at the law firm of Ward & Olivo.
2.     Ward & Olivo has for several years utilized the Computer Packaging, Inc. docketing system (hereinafter "the docketing system") to docket all patent-related due dates, including due dates for maintenance fee payments.
3.     After the issue date for a patent is entered into the docketing system, reminders for maintenance fee payment due dates (i.e., 3.5 years, 7.5 years, etc.) are automatically scheduled.
4.     U.S. Patent Reissue No. 38,861 ("the '861 patent") reissued on November 1, 2005 from U.S. Patent No. 5,696,375, which issued on December 9, 1997 ("the '375

patent”).

5. The issue dates for the ‘861 and ‘375 patents were properly entered into the docketing system.

6. Prior to June 9, 2005, the docketing system generated a reminder that the 7.5 year maintenance fee for the ‘861 patent was due.

7. The 7.5 year maintenance fee was not paid by June 9, 2005.

8. A reminder letter about payment of the 7.5 year maintenance fee was sent to the client on or about August 31, 2005.

9. After August 31, 2005 and on or prior to December 9, 2005, the docketing system failed to generate a reminder that the 7.5 year maintenance fee and surcharge for the ‘861 patent were due.

10. The six-month grace period for payment of the 7.5 year maintenance fee for the ‘861 patent ended on December 9, 2005, before it was discovered by me that the six-month maintenance fee grace period reminder was not automatically generated by the docketing system.

11. The docketing system has now been corrected to automatically schedule reminders for the six-month grace period for the payment of maintenance fees.

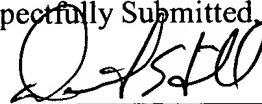
12. The delay in payment of the 7.5 year maintenance fee for the ‘861 patent was thus unavoidable.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 20, 2006

Respectfully Submitted,



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David M. Hill  
Reg. No. 46,170  
Ward & Olivo  
708 Third Avenue  
New York, New York 10017  
212-697-8512